

HOUSE BILL 1334

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0lr3146

By: Delegates Rice, Stein, Barkley, Bartlett, Dumais, Feldman, Frick, Gutierrez, Huckler, Montgomery, Myers, Ross, Tarrant, Taylor, and Walker

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 6, 2010

CHAPTER _____

1 AN ACT concerning

2 ~~Nonpublic Schools – Bullying Policies – Compliance~~

3 Nonpublic Schools – Bullying, Harassment, and Intimidation – Policies

4 FOR the purpose of ~~providing that certain provisions of law regarding the~~
5 ~~development of a certain bullying, harassment, and intimidation policy apply to~~
6 ~~nonpublic schools that accept certain State money; providing that certain~~
7 ~~provisions of law do not apply to nonpublic schools that accept State money for~~
8 ~~the placement of students with disabilities in nonpublic programs; and~~
9 ~~generally relating to bullying policies in nonpublic schools~~ requiring nonpublic
10 schools that accept State funds to adopt a policy prohibiting bullying,
11 harassment, and intimidation by a certain date; requiring the policy to include
12 certain provisions; encouraging a nonpublic school to develop the policy in
13 consultation with certain groups; encouraging a nonpublic school to publicize
14 the policy in a certain manner; encouraging a nonpublic school to develop
15 certain educational programs in its efforts to prevent bullying, harassment, and
16 intimidation; providing that certain nonpublic school employees who report acts
17 of bullying, harassment, or intimidation are not civilly liable under certain
18 circumstances; providing that this Act may not be construed to limit the legal
19 rights of a victim of bullying, harassment, or intimidation; defining certain
20 terms; and generally relating to policies prohibiting bullying, harassment, and
21 intimidation in nonpublic schools that accept State funds.

22 ~~BY repealing and reenacting, with amendments,~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Education
 3 Section ~~7-424.1~~ 7-424.2
 4 Annotated Code of Maryland
 5 (2008 Replacement Volume and 2009 Supplement)

6 Preamble

7 WHEREAS, The National Institutes of Health reports that bullying affects
 8 more than 5 million students in grades 6 through 11; and

9 WHEREAS, According to the United States Department of Health and Human
 10 Services, bullies identified by age 8 are six times more likely to have criminal
 11 convictions by age 24; and

12 WHEREAS, The increased use of the Internet by students is presenting new
 13 challenges regarding bullying in schools; and

14 WHEREAS, Bullying may lead to an increase in absenteeism or the dropout
 15 rate; and

16 WHEREAS, Maintaining a safe environment in schools is integral to promoting
 17 learning and success in students; now, therefore,

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Education**

21 ~~7-424.1.~~

22 (a) ~~(1) In this section the following words have the meanings indicated.~~

23 ~~(2) “Bullying, harassment, or intimidation” means intentional conduct,~~
 24 ~~including verbal, physical, or written conduct, or an intentional electronic~~
 25 ~~communication, that:~~

26 ~~(i) Creates a hostile educational environment by substantially~~
 27 ~~interfering with a student’s educational benefits, opportunities, or performance, or~~
 28 ~~with a student’s physical or psychological well-being and is:~~

29 ~~1. Motivated by an actual or a perceived personal~~
 30 ~~characteristic including race, national origin, marital status, sex, sexual orientation,~~
 31 ~~gender identity, religion, ancestry, physical attribute, socioeconomic status, familial~~
 32 ~~status, or physical or mental ability or disability; or~~

33 ~~2. Threatening or seriously intimidating; and~~

1 (ii) ~~1. Occurs on school property, at a school activity or~~
2 ~~event, or on a school bus; or~~

3 ~~2. Substantially disrupts the orderly operation of a~~
4 ~~school.~~

5 ~~(3) "Electronic communication" means a communication transmitted~~
6 ~~by means of an electronic device, including a telephone, cellular phone, computer, or~~
7 ~~pager.~~

8 ~~(b) (1) By March 31, 2009, the State Board, after consultation with and~~
9 ~~input from local school systems, shall develop a model policy prohibiting bullying,~~
10 ~~harassment, or intimidation in schools.~~

11 ~~(2) The model policy developed under paragraph (1) of this subsection~~
12 ~~shall include:~~

13 ~~(i) A statement prohibiting bullying, harassment, and~~
14 ~~intimidation in schools;~~

15 ~~(ii) A statement prohibiting reprisal or retaliation against~~
16 ~~individuals who report acts of bullying, harassment, or intimidation;~~

17 ~~(iii) A definition of bullying, harassment, or intimidation that is~~
18 ~~either the same as set forth in subsection (a)(2) of this section or a definition that is~~
19 ~~not less inclusive than that definition;~~

20 ~~(iv) Standard consequences and remedial actions for persons~~
21 ~~committing acts of bullying, harassment, or intimidation and for persons engaged in~~
22 ~~reprisal or retaliation;~~

23 ~~(v) Standard consequences and remedial actions for persons~~
24 ~~found to have made false accusations;~~

25 ~~(vi) Model procedures for reporting acts of bullying, harassment,~~
26 ~~and intimidation;~~

27 ~~(vii) Model procedures for the prompt investigation of acts of~~
28 ~~bullying, harassment, and intimidation;~~

29 ~~(viii) Information about the types of support services available to~~
30 ~~the student bully, victim, and any bystanders; and~~

31 ~~(ix) Information regarding the availability and use of the~~
32 ~~bullying, harassment, or intimidation form under § 7-424 of this subtitle.~~

1 ~~(e) (1) Each county board shall establish a policy prohibiting bullying,~~
2 ~~harassment, or intimidation at school based on the model policy.~~

3 ~~(2) The policy shall address the components of the model policy~~
4 ~~specified in subsection (b)(2) of this section.~~

5 ~~(3) A county board shall develop the policy in consultation with~~
6 ~~representatives of the following groups:~~

7 ~~(i) Parents or guardians of students;~~

8 ~~(ii) School employees and administrators;~~

9 ~~(iii) School volunteers;~~

10 ~~(iv) Students; and~~

11 ~~(v) Members of the community.~~

12 ~~(d) Each county board shall publicize its policy in student handbooks, school~~
13 ~~system websites, and any other location or venue the county board determines is~~
14 ~~necessary or appropriate.~~

15 ~~(e) Each county board policy shall include information on the procedure for~~
16 ~~reporting incidents of bullying, harassment, or intimidation, including:~~

17 ~~(1) A chain of command in the reporting process; and~~

18 ~~(2) The name and contact information for an employee of the~~
19 ~~Department, designated by the Department, who is familiar with the reporting and~~
20 ~~investigation procedures in the applicable school system.~~

21 ~~(f) Each county board shall submit its policy to the State Superintendent by~~
22 ~~July 1, 2009.~~

23 ~~(g) Each county board shall develop the following educational programs in its~~
24 ~~efforts to prevent bullying, harassment, and intimidation in schools:~~

25 ~~(1) An educational bullying, harassment, and intimidation prevention~~
26 ~~program for students, staff, volunteers, and parents; and~~

27 ~~(2) A teacher and administrator development program that trains~~
28 ~~teachers and administrators to implement the policy.~~

29 ~~(h) (1) A school employee who reports an act of bullying, harassment, or~~
30 ~~intimidation under this section in accordance with the county board's policy~~
31 ~~established under subsection (c) of this section is not civilly liable for any act or~~

1 ~~omission in reporting or failing to report an act of bullying, harassment, or~~
2 ~~intimidation under this section.~~

3 ~~(2) The provisions of this section may not be construed to limit the~~
4 ~~legal rights of a victim of bullying, harassment, or intimidation.~~

5 ~~(1) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
6 ~~SUBSECTION, THIS SECTION APPLIES TO NONPUBLIC SCHOOLS THAT ACCEPT~~
7 ~~MONEY FROM THE STATE.~~

8 ~~(2) THIS SECTION DOES NOT APPLY TO NONPUBLIC SCHOOLS~~
9 ~~THAT ACCEPT MONEY FOR THE PLACEMENT OF STUDENTS WITH A DISABILITY IN~~
10 ~~A NONPUBLIC PROGRAM.~~

11 7-424.2.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
13 MEANINGS INDICATED.

14 (2) "BULLYING, HARASSMENT, AND INTIMIDATION" MEANS ANY
15 INTENTIONAL WRITTEN, VERBAL, OR PHYSICAL ACT, INCLUDING AN
16 ELECTRONIC COMMUNICATION, THAT:

17 (I) 1. PHYSICALLY HARMS AN INDIVIDUAL;

18 2. DAMAGES AN INDIVIDUAL'S PROPERTY;

19 3. SUBSTANTIALLY INTERFERES WITH AN
20 INDIVIDUAL'S EDUCATION OR LEARNING ENVIRONMENT; OR

21 4. PLACES AN INDIVIDUAL IN REASONABLE FEAR OF
22 HARM TO THE INDIVIDUAL'S PERSON OR PROPERTY; AND

23 (II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL
24 ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR

25 2. SUBSTANTIALLY DISRUPTS THE ORDERLY
26 OPERATION OF A SCHOOL.

27 (3) "ELECTRONIC COMMUNICATION" MEANS A COMMUNICATION
28 TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A
29 TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

1 **(B) BY MARCH 31, 2011, EACH NONPUBLIC SCHOOL THAT ACCEPTS**
2 **STATE FUNDS SHALL ADOPT A POLICY PROHIBITING BULLYING, HARASSMENT,**
3 **AND INTIMIDATION.**

4 **(C) THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION**
5 **SHALL INCLUDE:**

6 **(1) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND**
7 **INTIMIDATION IN THE SCHOOL;**

8 **(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION**
9 **AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR**
10 **INTIMIDATION;**

11 **(3) A DEFINITION OF BULLYING, HARASSMENT, AND**
12 **INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A) OF**
13 **THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT**
14 **DEFINITION;**

15 **(4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
16 **PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION**
17 **AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION, INCLUDING:**

18 **(i) SPECIFIC PENALTIES FOR PERSONS WHO REPEATEDLY**
19 **COMMIT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

20 **(ii) A REQUIREMENT THAT PERSONS WHO COMMIT ACTS OF**
21 **BULLYING, HARASSMENT, OR INTIMIDATION RECEIVE EDUCATIONAL AND**
22 **THERAPEUTIC SERVICES CONCERNING BULLYING PREVENTION;**

23 **(5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
24 **PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;**

25 **(6) STANDARD PROCEDURES FOR REPORTING ACTS OF**
26 **BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING A CHAIN OF COMMAND**
27 **IN THE REPORTING PROCESS;**

28 **(7) STANDARD PROCEDURES FOR THE PROMPT INVESTIGATION**
29 **OF ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;**

30 **(8) STANDARD PROCEDURES FOR PROTECTING VICTIMS OF**
31 **BULLYING, HARASSMENT, OR INTIMIDATION FROM ADDITIONAL ACTS OF**
32 **BULLYING, HARASSMENT, OR INTIMIDATION, AND FROM RETALIATION; AND**

1 **(9) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES**
2 **AVAILABLE TO A STUDENT BULLY OR VICTIM AND ANY BYSTANDERS.**

3 **(D) A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION IS ENCOURAGED**
4 **TO DEVELOP THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN**
5 **CONSULTATION WITH THE FOLLOWING GROUPS:**

6 **(1) PARENTS OR GUARDIANS OF STUDENTS;**

7 **(2) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

8 **(3) SCHOOL VOLUNTEERS; AND**

9 **(4) STUDENTS.**

10 **(E) A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION IS ENCOURAGED**
11 **TO PUBLICIZE THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION**
12 **IN STUDENT HANDBOOKS, ON THE SCHOOL'S WEBSITE, AND ANY OTHER**
13 **LOCATION OR VENUE THE SCHOOL DETERMINES IS NECESSARY OR**
14 **APPROPRIATE.**

15 **(F) A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION IS ENCOURAGED**
16 **TO DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO**
17 **PREVENT BULLYING, HARASSMENT, AND INTIMIDATION:**

18 **(1) AN EDUCATIONAL BULLYING, HARASSMENT, AND**
19 **INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS,**
20 **AND PARENTS; AND**

21 **(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM**
22 **THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY**
23 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.**

24 **(G) AN EMPLOYEE OF A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION**
25 **WHO REPORTS AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN**
26 **ACCORDANCE WITH THE SCHOOL'S POLICY ADOPTED UNDER SUBSECTION (B)**
27 **OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN**
28 **REPORTING OR FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR**
29 **INTIMIDATION IN ACCORDANCE WITH THE POLICY.**

30 **(H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO**
31 **LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR**
32 **INTIMIDATION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.